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July 3, 2018

***VIA ELECTRONIC FILING***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re:   *Notice of Oral Ex Parte Communication***

**GN Docket No. 17-183**, *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*;

**GN Docket No. 18-122**, *Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band*;

**GN Docket No. 17-258**, *Promoting Investment in the 3550-3700 MHz Band*;

**AU Docket No. 18-85**, *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services*;

**GN Docket No. 14-177**, *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*;

**PS Docket No. 15-94**, *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*; and

**PS Docket No. 15-91**, *Wireless Emergency Alerts*

Dear Ms. Dortch:

On July 2, 2018, I spoke with Erin McGrath, Legal Advisor to Commissioner Michael O'Rielly, regarding the above-referenced proceedings. The following summarizes the issues we discussed.

***3.7-4.2 GHz***

T-Mobile USA, Inc. ("T-Mobile")<sup>1/</sup> appreciates the Commission's continued efforts to make mid-band spectrum available for terrestrial wireless use. The 3.7-4.2 GHz band presents the Commission with an important opportunity to ensure that the United States remains at the forefront of fifth generation wireless ("5G") development. That is why T-Mobile supports the Commission's adoption of the Order and Notice of Proposed Rulemaking ("Mid-Band Order and NPRM") in this proceeding released in draft on June 21, 2018.<sup>2/</sup> The Mid-Band Order and

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<sup>1/</sup> T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly traded company.

<sup>2/</sup> *Expanding Flexible Use of the 3.7-4.2 GHz Band, et al.*, Draft Order and Notice of Proposed Rulemaking, GN Docket No. 18-122, *et al.*, FCC-CIRC1807-01 (rel. June 21, 2018).

NPRM, if adopted, will allow, among other things, the Commission to seek input on the current uses of the 3.7-4.2 GHz band and how the spectrum can be made available for next generation wireless services. In evaluating the current uses of the band, the Commission will be required to consider how existing users can be transitioned to other facilities and services. T-Mobile submitted an *ex parte* letter relevant to this issue – showing that current C-band satellite uses can be accommodated by alternative facilities, allowing the 3.7-4.2 GHz band to be cleared for terrestrial wireless use.<sup>3/</sup> In many cases, incumbent satellite earth station facilities can be relocated away from urban areas with backhauling accomplished by fiber, which is heavily deployed throughout the country. I urged that the Commission seek comment on the methodologies and conclusions presented in the *T-Mobile June 15, 2018 Ex Parte Letter* in order to more fully develop the record on this important matter.<sup>4/</sup>

### 3.5 GHz

T-Mobile looks forward to the Commission’s adoption of rules that will provide the certainty and structure necessary to drive investment in other important mid-band spectrum – the 3550-3700 MHz (“3.5 GHz”) band. I reiterated T-Mobile’s position that in order to maximize the potential for wireless services, it is important that the Commission adopt rules that authorize Priority Access Licenses (“PALs”) in appropriately-sized geographic areas. The Commission must avoid the engineering challenges of using 3.5 GHz spectrum in too-small geographic areas in urban locations while potentially fostering the use of the spectrum by smaller providers in rural areas. That is why T-Mobile continues to support the joint proposal by CTIA and the Competitive Carriers Association that the Commission issue PALs based on Metropolitan Statistical Areas (“MSAs”) in the top 306 Cellular Market Areas (“CMAs”) and based on counties in the remainder of the country.<sup>5/</sup>

In addition to appropriately-sized PALs, the Commission can further promote investment in the 3.5 GHz band by issuing authorizations with standard, 10-year license terms, with a renewal expectancy. I also urged that the Commission permit PAL holders to bid on, and acquire, specific frequency assignments. Static licenses are important where, as will be the case for the 3.5 GHz band, spectrum will be used with time division duplex (“TDD”) technology. Because there will be no common uplink/downlink spectrum scheme, the most efficient use of spectrum will occur when licensees are able to coordinate with each other regarding spectrum use. But that coordination among spectrum holders will be frustrated if spectrum is assigned dynamically.

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<sup>3/</sup> T-Mobile USA, Inc., Notice of *Ex Parte*, GN Docket Nos. 17-183, 18-122 (filed June 15, 2018) (“*T-Mobile June 15, 2018 Ex Parte Letter*”).

<sup>4/</sup> The draft Mid-Band Order and NPRM already notes the other major component of the *T-Mobile June 15, 2018 Ex Parte Letter* – the use of an alternative auction methodology to license the 3.7-4.2 GHz band for mobile wireless services. Draft Mid-Band Order and NPRM at ¶¶ 107-110. T-Mobile looks forward to interested parties’ feedback on its proposal.

<sup>5/</sup> Competitive Carriers Association and CTIA, Notice of *Ex Parte*, GN Docket No. 17-258, at 1 (filed Apr. 20, 2018).

## **28 GHz and 24 GHz Auction**

T-Mobile applauds the Commission's efforts to make millimeter wave band spectrum available for 5G use. Nevertheless, I reiterated T-Mobile's recommended changes to the structure of the procedures for the 28 GHz and 24 GHz band auctions proposed in the Public Notice announcing Auctions 101 and 102.<sup>6/</sup> In particular, I noted that the Commission should auction as many millimeter wave bands in a single auction as possible, in order to increase auction revenues and reduce bidders' exposure risk. However, if the Commission proceeds with auctioning the 28 GHz band first, and includes no other millimeter wave bands in that auction, it should separate the 28 GHz auction from any other follow-on auction (including an auction of 24 GHz spectrum) by a period sufficient to allow bidders and other interested parties to reevaluate their spectrum holdings, conduct necessary economic and engineering analyses, structure appropriate commercial arrangements, and formulate bidding strategies in advance of a subsequent auction. And when the Commission conducts that subsequent auction, it should include all spectrum bands for which rules have been adopted, including the 37, 39, and 47 GHz bands (and any other millimeter wave bands the rules for which have been adopted in the *Spectrum Frontiers* proceeding).<sup>7/</sup>

## **Wireless Emergency Alerts**

T-Mobile continues to support the Commission's implementation of the Emergency Alert System ("EAS"). It expects to respond to the Further Notice of Proposed Rulemaking, the draft of which the Commission released on June 21, 2018.<sup>8/</sup> It expects to particularly address any Commission proposals that would impose technical standards for wireless emergency alert performance and delivery that may inadvertently harm, rather than promote, carriers' ability to notify the public of emergencies by, for example, producing network congestion.<sup>9/</sup>

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Pursuant to Section 1.1206(b)(2) of the Commission's rules, an electronic copy of this letter is being filed in the above-referenced dockets and a copy provided to Ms. McGrath. Please direct any questions regarding this filing to me.

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<sup>6/</sup> *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services; Comment Sought on Competitive Bidding Procedures for Auctions 101 (28 GHz) and 102 (24 GHz)*, Public Notice, AU Docket No. 18-85, FCC 18-43 (rel. Apr. 17, 2018) ("*Public Notice*").

<sup>7/</sup> *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al.*, Third Report and Order, Memorandum Opinion and Order, Third Further Notice of Proposed Rulemaking, GN Docket No. 14-177 *et al.*, FCC 18-73 (rel. June 8, 2018) (proposing rules for the following bands: 42-42.5 GHz, 37-37.6 GHz, 37-38.6 GHz, 25.25-27.5 GHz, and 50.4-51.4 GHz).

<sup>8/</sup> *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, et al.*, Draft Report and Order and Further Notice of Proposed Rulemaking, PS Docket No. 15-94, *et al.*, FCC-CIRC1807-04 (rel. June 21, 2018).

<sup>9/</sup> *See id.* at ¶ 45.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey  
Vice President, Government Affairs  
Technology and Engineering Policy

cc: Erin McGrath